IN THE HIGH COURT OF JUDICAUTRE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 250 OF 2005
IN
SUMMONS FOR JUDGEMENT NO. 300 OF 2004
IN
SUIT NO. 154 OF 2004

Kamlesh Phulchand Jain and Ors. ... Plaintiffs

Versus

Mahaveer Saremal Jain and anr ... Defendants

Mr. Anil Mishra for Plaintiff.

Mr. H.M. Pandya for Defendants.

CORAM : A.M. KHANWILKAR,J.
DATED : JUNE 13, 2005

P.C.

. Heard counsel for the parties. Perused pleadings. I find substance in the objection taken on behalf of the plaintiff that no sufficient cause has been made out for condoning the delay in filing reply to the Summons for Judgment which is almost of nine months. On this ground the chamber summons ought to fail. However, by way of indulgence and in the interest of justice, so as to give opportunity to the defendant, chamber summons is allowed in terms of Prayer Clauses (a), (b) and (c) on a condition that the Plaintiff shall pay cost to the plaintiffs quantified at Rs.5,000/- on or before 15.6.2005 failing which this chamber summons will stand dismissed for non prosecution without

further reference to the court.

(A.M. KHANWILKAR,J.)